

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION OF
LUKOIL BENELUX B.V. FOR AN ORDER TO
TAKE DISCOVERY PURSUANT TO 28 U.S.C.
§1782

23 MC 263 (JPC)

**ORDER GRANTING THE *EX PARTE* APPLICATION OF
LUKOIL BENELUX B.V. FOR AN ORDER TO TAKE
DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

This matter comes before the Court on the *ex parte* Application of Lukoil Benelux B.V. (the “**Applicant**” or “**Lukoil**”) for an order to take discovery pursuant to 28 U.S.C. § 1782, for use in proceedings before a foreign tribunal against Oil Distribution Terminals S.L., Biomar Oil S.L., Buran Energy S.A., Corporacion Financiera Kleber Iberica S.L., Mr Tirso-Jose-Maria Tomas Herrero, and Mr Juan Antonio Molina Garcia. The Court has considered Lukoil’s Application, the Declaration of Joseph William Gosden, dated August 7, 2023 and its accompanying exhibits, and the Applicant’s Memorandum of Law, and good cause having been shown:

IT IS HEREBY ORDERED THAT:

- (a) Lukoil’s Application is granted;
- (b) Respondents The Clearing House Payments Company L.L.C., Bank of America N.A., Citibank N.A., Deutsche Bank Trust Company Americas, Standard Chartered Bank, HSBC Bank USA, N.A., JPMorgan Chase Bank, N.A., The Bank of New York Mellon, Wells Fargo Bank N.A., Santander Bank, N.A., and Credit Agricole CIB (collectively “**Respondents**”) shall make available to the Applicant all documents responsive to the categories of documents described in Appendix “1” of this Order within twenty (20)

days of service of this Order on each respective Respondent or at such other time as may be agreed;

- (c) Edward Floyd, and any other attorneys affiliated with the law firm Zeiler Floyd Zadkovich (US) LLP and admitted to practice before this Court, are appointed as examiners to: (i) issue subpoenas to Respondents, with Appendix “1” to the proposed order being attached to such subpoenas as the enumeration of document categories; and (ii) obtain the requested documents and information pursuant to the Federal Rules of Civil Procedure; AND
- (d) The Applicant shall serve a copy of this Order on Respondents.

IT IS SO ORDERED.

Dated: August 18, 2023

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

John P. Cronan
United States District Judge

APPENDIX 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION OF
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PRODUCTION OF DOCUMENTS

The Clearing House Payments Company L.L.C., Bank of America N.A., Citibank N.A., Deutsche Bank Trust Company Americas, Standard Chartered Bank, HSBC Bank USA, N.A., JPMorgan Chase Bank, N.A., The Bank of New York Mellon, Wells Fargo Bank N.A., Santander Bank, N.A., and Credit Agricole CIB (“**Respondents**”) shall produce copies of the documents, communications, and electronically stored information, described herein no later than twenty (20) days from service upon them of the foregoing Order, at the offices of Zeiler Floyd Zadkovich (US) LLP, 33 E 33rd Street, Suite 905, New York, NY 10016.

DEFINITIONS AND INSTRUCTIONS

A. Each of the Uniform Definitions in Discovery Requests which are set forth in Local Civil Rule 26.3 for the United States District Court for the Southern District of New York, is and shall be deemed to be, fully incorporated herein. Without any limitation whatsoever, that includes the provision of Local Civil Rule 26.3(c)(2) which defines the “term ‘document’ ... to be synonymous in meaning and equal in scope to the usage of the term ‘documents or electronically stored information’ in Fed. R. Civ. P. 34(a)(1)(A).”

B. “Oil Distribution Terminals S.L.” means Oil Distribution Terminals S.L., a Spanish entity which has at times used a registered address of Calle de Dulce Chacón 55, 6ª Planta, Torre Chamartín (Madrid), 28050, Spain as well as Paseo de la Castellana 141, Planta 16, Puerta C, 28046 Madrid, Spain.

C. “Biomar Oil S.L.” means Biomar Oil S.L., a Spanish entity which has at times used a registered address of Paseo de la Castellana 141, 22ª A, Madrid, 28046, Spain.

D. “Buran Energy S.A.” means Buran Energy S.A., a Spanish entity which has at times used a registered address of Calle de Dulce Chacón 55, 6ª Planta, Torre Chamartín (Madrid), 28050, Spain.

E. “Corporacion Financiera Kleber Iberica S.L.” means Corporacion Financiera Kleber Iberica S.L., a Spanish entity which has at times used a registered address of Calle de Dulce Chacón 55, 6ª Planta, Torre Chamartín (Madrid), 28050, Spain and Calle Embajadores N° 31, 1º 1, Madrid, 28012, Spain.

F. “Tirso-Jose-Maria Tomas Herrero” means Mr Tirso-Jose-Maria Tomas Herrero.

G. “Juan Antonio Molina Garcia”, means Mr Juan Antonio Molina Garcia.

H. “You” and “Your” refers to the Respondents (regardless of whether capitalized).

INSTRUCTIONS

A. These Requests are directed to every document, and electronically stored information, in Your possession or subject to Your custody and control.

B. All documents, and electronically stored information, produced pursuant to these Requests shall be produced as kept in the usual course of business, shall be identified by the title of the file in which located, and shall be identified as to the request in response to which produced.

C. Each Request for a document, or electronically stored information, to be produced requires the production of the document, or electronically stored information, in its entirety, without redaction or expurgation.

D. If there are no documents, or electronically stored information, responsive to a category in these Requests, so state in writing.

E. If any documents, or electronically stored information, called for by these Requests is withheld under a claim of privilege, such claim should be made expressly and must state: (a) the author of the document or electronically stored information; (b) the date of the document or electronically stored information; (c) the subject matter of the document or electronically stored information; (d) each person to whom an original copy of the document, or electronically stored information, was sent; (e) every other person who received the document or a copy of the document (or electronically stored information); and (f) the basis for the claim of privilege.

F. Where an objection is made to any Request or sub-part thereof, the objection shall state with specificity as to all grounds.

G. Each Request covers the period from January 1, 2021, through present, unless otherwise specified. If a document prepared before this period is necessary for a correct or complete understanding of any document covered by a Request, You must produce the earlier document as well. If any document is undated and the date of its preparation cannot be determined, the document shall be produced if otherwise responsive to the production Request.

DOCUMENT REQUESTS

1. All documents, including but not limited to any form of electronically stored information, communications, messages, requests, reports or confirmations, concerning amounts of money owned by, transferred to, transferred from, transferred pursuant to instructions from, or

transferred for the benefit of Oil Distribution Terminals S.L., Biomar Oil S.L., Buran Energy S.A., Corporacion Financiera Kleber Iberica S.L., Mr Tirso-Jose-Maria Tomas Herrero, or Mr Juan Antonio Molina Garcia (or any entities whose name(s) include the phrases “Oil Distribution Terminals”, “Biomar Oil” “Buran Energy”, or “Corporacion Financiera Kleber”, or “Kleber Iberica”).

2. All documents including but not limited to any form of electronically stored information, communications, messages, requests, reports or confirmations concerning, referencing or otherwise involving: (a) Calle de Dulce Chacon 55, Madrid, 28050, Spain; (b) Paseo de la Castellana 141, Madrid, 28046, Spain; or (c) Calle Embajadores 31, Madrid, 28012, Spain.

3. All documents, including but not limited to any form of electronically stored information, communications, messages, requests, reports or confirmations, concerning wire transfers, SWIFT messages, book transfers or other forms of transferring cash, funds, or securities which contain references to:

- i. Oil Distribution Terminals; OR;
- ii. Biomar Oil; OR
- iii. Biomar; OR
- iv. Buran Energy; OR
- v. Buran; OR
- vi. Corporacion Financiera Kleber; OR
- vii. Kleber Iberica; OR
- viii. Tirso Jose Maria Tomas Herrero (or any combination thereof, including initials, as You would typically apply when conducting know-your-customer procedures); OR

- ix. Juan Antonio Molina Garcia (or any combination thereof, including initials, as You would typically apply when conducting know-your-customer procedures).